
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LINK ENGINE TECHNOLOGIES LLC, a
Texas Limited Liability Company,

Plaintiff,

v.

VIMEO, LLC, a Delaware Limited Liability
Company; and JOHN DOES 1 – 10,

Defendants.

Civil Action No. _____

(JURY TRIAL DEMANDED)

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Link Engine Technologies LLC (“*Link Engine*” or “*Plaintiff*”), by and through its attorneys, makes and files this Complaint against Defendant Vimeo, LLC (“*Vimeo*” or “*Defendant*”), and John Does 1 – 10. In support of this Complaint, Plaintiff alleges and complains as follows:

PARTIES

2. Link Engine is a Texas Limited Liability Company.
3. Vimeo, LLC is a Delaware Limited Liability Company with its principal place of business at 555 W. 18th St, Floor 4, New York, NY 10011.
4. Vimeo can be served with process through its registered agent: CT Corporation System, 111 Eighth Avenue, New York, NY, 10011.
5. John Does 1 – 10 represent entities which may be identified through the course and scope of discovery.

JURISDICTION AND VENUE

6. Upon information and belief, Vimeo directly and/or through its intermediaries, ships, distributes, offers for sale, sells and/or advertises its products and services in this State via its interactive website www.vimeo.com.

7. By placing infringing products into the stream of commerce with the intent that they be sold, offered for sale, purchased, and used, Vimeo has transacted and continues to transact business in Texas.

8. Upon information and belief, Defendant solicits customers and has actual customers in this State and in the Eastern District of Texas. Some examples of Vimeo customers in Texas include, but are not limited to: DraftHouse Films, Austin, TX (<https://vimeo.com/channels/dhfondemand>); Wyman Meinzer, Benjamin, TX (<https://vimeo.com/search?q=wyman+meinzer>); Texas A&M Transportation Institute headquartered in College Station, TX (<https://vimeo.com/channels/437017>); the Texas Tribune, Austin, TX (<https://vimeo.com/thetexastribune>); Hotel Indigo, El Paso, TX (<https://vimeo.com/154012671>); Uptown Movers, Dallas, TX (<https://vimeo.com/142746534>); and Mutiny Bikes, Austin, TX (<https://vimeo.com/channels/129738>). Examples of Vimeo customers in the Eastern District of Texas include, among others, Jackson Walker (“Jackson Walker Litigation – Eastern District of Texas,” <https://vimeo.com/159423096>); Barnes & Roberts Trial Consulting (<https://vimeo.com/122550991>); Randall Noe Fiat Dealership, Tyler, TX (<https://vimeo.com/82077146>) and East Texas Gospelfest, Marshall, TX (<https://vimeo.com/66987961>).

9. Vimeo has committed and/or induced acts of patent infringement in Texas, including the Eastern District of Texas, and/or has placed its infringing products into the stream

of commerce through established distribution channels with the expectation that such products will be purchased and used by Texas residents, including residents of the Eastern District of Texas.

10. Vimeo has purposefully availed itself of the privileges and benefits of the laws of Texas and is therefore subject to the jurisdiction of this Court.

11. This Court has subject matter jurisdiction to hear the patent infringement claims under 28 U.S.C. § 1331.

12. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because, as described above, Defendant Vimeo has infringed and continues to infringe Plaintiff's patent rights within the Eastern District of Texas, and this action arises out of transactions of that business and infringement.

GENERAL ALLEGATIONS

13. Plaintiff owns U.S. Patent No. 7,480,694 (the "**'694 Patent**"), titled "Web Playlist System, Method and Computer Program." A copy of the '694 Patent is attached as Exhibit A.

14. The '694 Patent was issued on January 20, 2009.

15. Plaintiff is the owner, by assignment, of the '694 Patent, including all rights to sue for patent infringement.

16. As the owner of the '694 Patent, Link Engine has standing to sue and recover for all past, present, and future damages for infringement of the '694 Patent.

17. Vimeo has not been granted a license or any other rights to the '694 Patent.

18. The inventions of the '694 Patent resolve technical problems related to computerized browsing and display technology. For example, the inventions include a playlist

engine configured to retrieve successive network addresses from a sequence and display web pages corresponding to the network addresses in a browser window.

CLAIM 1

(PATENT INFRINGEMENT – AGAINST ALL DEFENDANTS)

19. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all other paragraphs.

20. Plaintiff has complied with 35 U.S.C. § 287.

21. The claims of the '694 Patent do not merely recite the performance of a business practice long known from the pre-internet world along with the requirement to perform it on the Internet. Instead, the claims of the '694 Patent recite one or more inventive concepts that are rooted in Internet browsing and display technologies, and overcome problems specifically arising in the realm of Internet browsing and display technologies.

22. The claims of the '694 Patent recite an invention that is not merely the routine or conventional use of Internet browsing and display systems. Instead, the invention describes a replayable sequence of web pages with specific display functionality, and a playlist engine for retrieving network addresses associated with the web pages.

23. The inventions claimed in the '694 Patent do not preempt all ways of Internet browsing and display, nor preempt any other well-known or prior art technology.

24. Accordingly, each claim of the '694 Patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

25. Upon information and belief, Defendant, either alone or in conjunction with others, has infringed and continues to infringe, contributes to infringement, and/or induces

infringement of the '694 Patent by making, using, selling and/or offering to sell, and/or causing others to use, methods and systems, including but not limited to Vimeo's video sharing website in which users can upload, share, and view videos (the "***Accused Product***"), that infringes one or more claims of the '694 Patent, including, but not limited to claims 1, 7, 13, 20, and 28 of the '694 Patent, and may include other claims of infringement to be identified through discovery.

26. By way of example and not as a limitation, Defendant's Accused Product performs each and every element of the '694 Patent's method claims 1 by:

a. Having at least one browser window configured to display to a user at least one web page identified by one of a plurality of network addresses in computer memory, said network addresses representing a sequence through its "watch" feature.

b. Including a playlist engine configured to retrieve user selected network address(es) from the sequence, and further configured to display, in the browser window, web pages corresponding to the user selected network addresses through its various playlists on its website, such as "Watch human-curated Staff Picks," "See what's trending," among others, and the user controlled "Watch Later" and "Collections"

c. Having a control panel configured to enable a user to select for display in the browser window(s) at least one of the web pages corresponding to the user selected network address(es), the control panel having a play mode control which when selected by the user causes the playlist engine to retrieve successive addresses from the sequence in the absence of user selection and to display in the browser window web pages corresponding to the retrieved successive addresses, the web pages each displayed for one or more predefined durations as the user may select "Autoplay on" in the control

panel to achieve the playing of successive videos in the sequence. Each of the videos in the sequence has a predefined length it will play.

d. Having the network addresses associated with one or more duration values, the predefined duration for each web page specified by the associated duration value as each of the videos in the playlist have a specified duration value.

e. Having a timer configured to display, for at least one of the displayed web pages, the time remaining for the playlist engine to display the web page through its display of the time that the video has played along with the total time the video will play.

27. Defendant has further infringed, and continues to so infringe, by knowingly inducing purchasers and users of the Accused Product to directly infringe the '694 Patent.

28. Defendant has further infringed, and continues to so infringe, by knowingly providing to its end users Accused Product which are especially made or especially adapted for infringement under the '694 Patent, which are a material part of the infringement, and for which there are no substantial non-infringing uses.

29. Defendant's infringing activities have injured and will continue to injure Plaintiff unless and until this Court enters an injunction prohibiting further infringement of the '694 Patent.

30. Defendant's infringing activities have damaged Plaintiff, which is entitled to recover from Defendant damages in an amount subject to proof at trial, but in no event less than a reasonable royalty.

31. In particular, Vimeo engaged in and continues to engage in willful and knowing patent infringement because it has actual knowledge of the patent at least as early as the filing of this Complaint.

32. In particular, upon information and belief, Vimeo has generated significant sales revenue by incorporating the Plaintiff's technology in its website, easily exposing Vimeo to significant liability for its infringement of the '694 Patent.

33. From at least as early as the filing of this Complaint, when Vimeo was given actual notice of the '694 Patent, Vimeo induced infringement because it knew, or should have known, that its acts would cause patent infringement, and it acted with intent to encourage direct infringement by its users.

34. At least as early as the filing of this Complaint, Vimeo contributed to direct infringement by its end users by knowing that its Accused Product and methods would be implemented by its end users; that its methods, components, system and Accused Product were especially made or especially adapted for a combination covered by one or more claims of the '694 Patent; that there are no substantial non-infringing uses; and the Accused Product is a material part of the infringement.

35. Vimeo has knowledge of the '694 Patent and is infringing despite such knowledge. The infringement has been and continues to be willful and deliberate.

36. Vimeo's acts of infringement have damaged Plaintiff, and Plaintiff is entitled to recover from Vimeo the damages sustained as a result of Vimeo's wrongful acts in an amount subject to proof at trial, but in no event less than a reasonable royalty.

37. Vimeo's infringing activities have injured and will continue to injure Plaintiff unless and until this Court enters an injunction prohibiting further infringement of the '694 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that, after a trial, this Court enter judgment against Defendant as follows:

- A. An entry of final judgment in favor of Plaintiff and against Defendant;
- B. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- C. An injunction permanently prohibiting Defendant and all persons in active concert or participation with Defendant from further acts of infringement of '694 Patent;
- D. Treble damages as provided for under 35 U.S.C. § 284 in view of the knowing, willful, and intentional nature of Defendant's acts;
- E. Awarding Plaintiff its costs and expenses of this litigation, including its reasonable attorneys' fees and disbursements, pursuant to 35 U.S.C. § 285; and
- F. Such other further relief that Plaintiff is entitled to under the law, and any other and further relief that this Court or a jury may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims and issues so triable.

Respectfully Submitted,

Dated: October 3, 2016

By: /s/ Elizabeth L. DeRieux
Joseph G. Pia
State Bar No. 24093854
Joe.Pia@pamhlaw.com
Robert E. Aycock (Pro Hac)
raycock@pamhlaw.com
Chrystal Mancuso-Smith (Pro Hac)
cmancuso@pamhlaw.com
Pia Anderson Moss Hoyt
136 E. South Temple, 19th Floor

Salt Lake City, Utah 84111
Phone: (801) 350-9000
Fax: (801) 350-9010

Elizabeth L. DeRieux
State Bar No. 05770585
ederieux@capshawlaw.com
CAPSHAW DERIEUX, L.L.P.
114 East Commerce Avenue
Gladewater, Texas 75647
Telephone: (903) 845-5770

ATTORNEYS FOR PLAINTIFF